

9571.1990(03)

RETORTED OIL SHALE AND COAL FLY ASH

APR 6 1990

Mr. Richard McQuisten
Project Manager
Department of Energy
P.O. Box 1189
Laramie, Wyoming 82070

Dear Mr. McQuisten:

Thank you for your letter on March 12, 1990, concerning environmental regulations applicable to the use of retorted oil shale and coal fly ash. I have been asked to reply.

On March 8, 1988, the Environmental Protection Agency (EPA) submitted to Congress a report entitled Wastes from the Combustion of Coal by Electric Utility Power Plants. This report presented the results of studies carried out pursuant to Section 8002(n) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended (42 U.S.C. § 6982(n)). This report is available from the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia, 22161. Their phone number is (703) 487-4650. The report number is PB88-177977 and the Appendices number is PB88-177985.

This report indicates that EPA has concluded that coal combustion waste streams generally do not exhibit hazardous characteristics under current RCRA regulations, and that EPA does not intend to regulate under RCRA Subtitle C fly ash, bottom ash, boiler slag and flue gas desulfurization wastes. These wastes are currently subject to RCRA Subtitle D, which pertains to solid (non-hazardous) wastes, and which is administered by State Solid Waste regulatory agencies. A list of State Solid Waste Directors can be provided by the Association of State and Territorial Solid Waste Management Officials. The Association may be contacted by phone at (202) 624_5828.

In 1985, EPA issued a Report to Congress entitled Wastes from the Extraction and Beneficiation of Metallic Ore, Phosphate

Rock, Asbestos, Overburden from Uranium Mining and Oil Shale. This report is also available from NTIS (report number PB88-162631). On July 3, 1986, EPA issued a Regulatory Determination that stated that solid wastes from the extraction and beneficiation of ores and minerals were best regulated under RCRA Subtitle D, not under Subtitle C. (See 51 FR 24496, copy enclosed.) EPA staff is currently developing a draft Subtitle D regulatory approach known as the "strawman" (copy enclosed) which if finalized as a rule, would place minimum standards on oil shale extraction and beneficiation wastes. At present, however, EPA does not have any RCRA regulations specific to oil shale retort wastes until EPA finalizes, in early 1993, its Subtitle D rule on extraction and beneficiation wastes.

It should be noted that the U.S. Synthetic Fuels Corporation, an office in the Treasury Department, currently provides financial support to the Union Oil Shale Project in Colorado. Synthetic Fuels Maintains excellent files on the environmental effects of the plant and may have data on retorted shale. They can be contacted at (202) 634-2506.

Thank you for your interest in fly ash and oil shale. If I can be of further assistance, feel free to contact me, at (202) 382-6972.

Sincerely,

Original Document signed

Robert Tonetti, Acting Chief
Special Waste Branch

Enclosures